

August 20, 2013

GLORIA L. FRANKLIN, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA



Signed and Filed: August 20, 2013

Dennis Montali

DENNIS MONTALI
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re) Bankruptcy Case
CARL ALEXANDER WESCOTT and) No. 12-30143DM
MONETTE ROSEMARIE STEPHENS,) Chapter 7
Debtors.)
JANINA M. HOSKINS, Trustee in) Adversary Proceeding
Bankruptcy of the Estate of Carl) No. 12-3148DM
Alexander Wescott and Monette)
Rosemarie Stephens,)
Plaintiff,)
v.)
CARL ALEXANDER WESCOTT and)
MONETTE ROSEMARIE STEPHENS,)
Defendants.)

ORDER GRANTING DEFENDANT'S MOTION REGARDING
REQUEST FOR ADMISSIONS

On August 12, 2013, defendant Monette Rosemarie Stephens ("Stephens") filed a motion for a determination that the Request for Admissions propounded by plaintiff Janina M. Hoskins ("Trustee") were not deemed admitted ("Admissions Motion"). Trustee had propounded the request for admissions on April 3, 2013, with a response due date of May 3, 2013 ("Due Date").

1 Prior to the Due Date, however, the court granted Trustee's motion
2 for summary judgment denying Ms. Stephen's discharge, thereby
3 disposing of all substantive matters pending in the adversary
4 proceeding. (The court granted the motion at a hearing on April
5 26, signed the judgment on May 2, and entered it on May 3, 2013).
6 Consequently, as of the Due Date, there was no longer any
7 operative discovery to which to respond.

8 On July 17, 2013, upon considering Stephens' motion for
9 reconsideration, the court signed an order vacating the summary
10 judgment. On July 24, the Trustee filed a notice that she
11 considered the matters contained in the Request for Admissions
12 deemed admitted. Stephens filed thereafter filed the Admissions
13 Motion. Given the unusual posture of the adversary proceeding
14 and the status of the discovery once the court indicated its
15 intent to enter summary judgment in favor of the Trustee, the
16 court will not treat the Request for Admissions as deemed
17 admitted.

18 Notwithstanding the foregoing, Trustee is entitled to an
19 expedited response to the Request for Admissions as trial has been
20 rescheduled for November. Accordingly, it is hereby

21 ORDERED that the Request for Admissions served by Trustee on
22 April 3, 2013, are NOT deemed admitted. It is further

23 ORDERED that Stephens shall respond to the Request for
24 Admissions no later than September 6, 2013. It is further

25 ORDERED that the hearing on the Admissions Motion scheduled
26 for August 23, 2013, is taken OFF CALENDAR.

27 **END OF ORDER**
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